



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,103	11/13/2001	Terry S. Owens	8614.56	8070
21999	7590	10/21/2003		
KIRTON AND MCCONKIE 1800 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE P O BOX 45120 SALT LAKE CITY, UT 84145-0120			EXAMINER SOTOMAYOR, JOHN	
			ART UNIT	PAPER NUMBER
			3714	9

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,103

Applicant(s)

OWENS ET AL.

Examiner

John L Sotomayor

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 3714

DETAILED ACTION

Response to Amendment

1. In response to the amendment filed August 6, 2003, claims 1-20 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 3714

3. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weingarden et al.

Regarding claim 5, Weingarden et al does not specifically disclose that the source content includes HTML code. However, Weingarden et al does disclose that the system is used to provide presentations over a global computer network such as the Internet. The most common method of presentation over the Internet is through a Web browser, which is programmed in HTML. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a system and method wherein the source content includes HTML code.

Regarding claim 15, Weingarden et al does not specifically disclose that one or more identified objects are sent over a network via email. However, it is common and well-know to communicate objects over a global network such as the Internet through the use of an email program. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a system and method wherein one or more identified objects are sent via email.

4. Claims 1-4, 6-14 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weingarden et al (US 6,164,975) in view of Luh (US 6,609,129).

Regarding claim 1, Weingarden et al discloses a system, method and computer program product for instruction through the use of a plurality of nodes, a plurality of computer systems for storing information including source content using referential pointers that serve as anchors for the information, network inclusion, and an index which includes the relationships of a plurality of nodes (Col 1, lines 25-67 and Col 2, lines 1-40). Weingarden et al does not specifically disclose that anchors refer to an item from the list comprising a bookmark, link, note,

Art Unit: 3714

or indication that refers to a particular location, file object or piece of information, establishing one or more nodes and relationships between said nodes as extracted from a plurality of anchors, or an output which renders an education expression based on the relationship of the one or more nodes. However, Luh teaches a master object that functions as an anchor (Col 3, lines 27-30) that establishes and manages the data relations for a particular product in an information module (Col 4, lines 3-17), and that data, which includes a plurality of data types including a database, video clip, image or wave file (Col 4, lines 23-24), from a plurality of nodes extracted from said anchors may be used to establish nodes and data relationships between nodes including links between nodes (Col 4, lines 50-63). In addition, Luh teaches the construction of a bill of material object and a related information object from the nodal relationships (Col 6, lines 1-19 and 40-45). Information objects are built as educational resources for retrieval from the database, and output to file and print capabilities are inherent features of any database system. Therefore, it would have been obvious to one of ordinary skill in the art to produce a system for organizing electronic data relationships comprising electronic source content that includes a plurality of anchors as disclosed by Weingarden et al and extracting the anchors to establish one or more nodes and relationships between the nodes, a plurality of computing devices on a network, and an output device used to produce an education information object based on the relationship of the one or more nodes as taught by Luh, for the purposes of cross-correlating educational information in multiple databases and presenting the output to a user to facilitate the user's learning experience.

Art Unit: 3714

Regarding claims 2 and 3, Weingarden et al discloses that the system may be used on a single computer system (claim 2) or on a plurality of computer devices (claim 3) (Col 2, lines 65-67).

Regarding claim 4, Weingarden et al discloses that the system and method that includes text that is preserved on a computer readable medium (Col 1, lines 40-45).

Regarding claims 6 and 7, Weingarden et al discloses that the system and method utilizes a tree-based facility for nodes to establish a network of corresponding conceptual nodes (Col 1, lines 53-57).

Regarding claims 8 and 9, Weingarden et al discloses that the system utilizes a local area network (claim 8) and the Internet (claim 9) for network access and operation (Col 2, lines 33-40).

Regarding claim 10, Weingarden et al discloses a system with a computer readable medium accessible through the use of a web page (Col 2, lines 34-35).

Regarding claim 11, Weingarden et al discloses a system, method and computer program product for instruction through the use of a plurality of nodes, a plurality of computer systems for storing information including source content using referential pointers that serve as anchors for the information, network inclusion, preserving nodes and relationships in a computer readable medium, and an index which includes the relationships of a plurality of nodes (Col 1, lines 25-67 and Col 2, lines 1-40). Weingarden et al does not specifically disclose that relationships between the plurality of nodes are based on at least one of a time and space relation, an objective assignment of meaning relation, a subjective assignment of meaning relation, a planning relation, an implementation relation or a central relation, or selectively providing one or

Art Unit: 3714

more educational expressions based on the relationship that connects a first and a second nodes. However, Luh teaches that a plurality of relationships between nodes are established (Col 4, lines 13-17) and that relationships between the plurality of nodes are based on at least one of a time and space relation, an objective assignment of meaning relation, a subjective assignment of meaning relation, a planning relation, an implementation relation or a central relation (Col 5, lines 13-37 and Col 6, lines 40-45) and selectively providing one or more educational expressions based on the relationship that connects a first and a second nodes (Col 3, 14-30 and 62-65). Multiple database objects are commonly located on separate computer readable media and addressed through separate node addressing. Therefore, it would have been obvious to one of ordinary skill in the art at to provide a system and method for instruction through the use of a plurality of nodes, a plurality of computer systems for storing information including source content using referential pointers that serve as anchors for the information, network inclusion, preserving nodes and relationships in a computer readable medium, and an index which includes the relationships of a plurality of nodes as disclosed by Weingarden et al in which relationships between the plurality of nodes are based on at least one of a time and space relation, an objective assignment of meaning relation, a subjective assignment of meaning relation, a planning relation, an implementation relation or a central relation, or selectively providing one or more educational expressions based on the relationship that connects a first and a second nodes as taught by Luh for the purposes of providing educational expressions collected from multiple database nodes for facilitating the educational experience of the user.

Regarding claim 12, Weingarden et al discloses a method with steps for selectively associating objects to a plurality of nodes which includes a first node and a second node (Col 2).

Art Unit: 3714

Regarding claim 13, Weingarden et al discloses a method in which objects comprise one or more of text, graphics, audio and video files (Col 1, lines 40-46).

Regarding claim 14, Weingarden et al discloses a method for selectively providing information including receiving a request for one or more objects and providing the requested objects (Col 2).

Regarding claim 16, Weingarden et al discloses a method in which the establishment of network node connections is accomplished automatically (Col 1).

Regarding claims 17 and 18, Weingarden et al discloses a method in which establishing a referential pointer for use as an anchor for a plurality of nodes consists of locating an anchor in the source content (Col 2). Weingarden et al does not specifically disclose converting a first anchor into a first conceptual node. However, Luh teaches that data from an anchor is used to establish a first conceptual node (Col 4, lines 40-50). Therefore, it would have been obvious to one of ordinary skill in the art to provide a method in which establishing a referential pointer for use as an anchor for a plurality of nodes consists of locating an anchor in the source content as disclosed by Weingarden et al and converting the anchor to a conceptual node as taught by Luh for the purposes of providing greater ease of access to the data and relationships contained in the anchors of the database.

Regarding claim 19, Weingarden et al discloses a method in which an automated acquisition of data is accomplished through the system asking for information in order to elicit answers (Col 7).

Regarding claim 20, Weingarden et al discloses a system, method and computer program product for instruction through the use of a plurality of nodes, a plurality of computer systems

Art Unit: 3714

for storing information including source content using referential pointers that serve as anchors for the information, network inclusion, preserving nodes and relationships in a computer readable medium, and an index which includes the relationships of a plurality of nodes (Col 1, lines 25-67 and Col 2, lines 1-40). Weingarden et al does not specifically disclose that anchors refer to an item from the list comprising a bookmark, link, note, or indication that refers to a particular location, file object or piece of information, establishing one or more nodes and relationships between said nodes as extracted from a plurality of anchors, an output which renders an education expression based on the relationship of the one or more nodes, or that that relationships between the plurality of nodes are based on at least one of a time and space relation, an objective assignment of meaning relation, a subjective assignment of meaning relation, a planning relation, an implementation relation or a central relation, or selectively providing one or more educational expressions based on the relationship that connects a first and a second nodes. However, Luh teaches a master object that functions as an anchor (Col 3, lines 27-30) that establishes and manages the data relations for a particular product in an information module (Col 4, lines 3-17), and that data, which includes a plurality of data types including a database, video clip, image or wave file (Col 4, lines 23-24), from a plurality of nodes extracted from said anchors may be used to establish nodes and data relationships between nodes including links between nodes (Col 4, lines 50-63). In addition, Luh teaches the construction of a bill of material object and a related information object from the nodal relationships (Col 6, lines 1-19 and 40-45) that a plurality of relationships between nodes are established (Col 4, lines 13-17) and that relationships between the plurality of nodes are based on at least one of a time and space relation, an objective assignment of meaning relation, a subjective assignment of meaning

Art Unit: 3714

relation, a planning relation, an implementation relation or a central relation (Col 5, lines 13-37 and Col 6, lines 40-45) and selectively providing one or more educational expressions based on the relationship that connects a first and a second nodes (Col 3, 14-30 and 62-65). Information objects are built as educational resources for retrieval from the database, and output to file and print capabilities are inherent features of any database system, in addition, multiple database objects are commonly located on separate computer readable media and addressed through separate node addressing. Therefore, it would have been obvious to one of ordinary skill in the art to produce a system for organizing electronic data relationships comprising electronic source content that includes a plurality of anchors, a plurality of computer systems for storing information including source content using referential pointers that serve as anchors for the information, network inclusion, preserving nodes and relationships in a computer readable medium, and an index which includes the relationships of a plurality of nodes as disclosed by Weingarden et al and extracting the anchors to establish one or more nodes and relationships between the nodes, a plurality of computing devices on a network, and an output device used to produce an education information object based on the relationship of the one or more nodes in which relationships between the plurality of nodes are based on at least one of a time and space relation, an objective assignment of meaning relation, a subjective assignment of meaning relation, a planning relation, an implementation relation or a central relation, or selectively providing one or more educational expressions based on the relationship that connects a first and a second nodes as taught by Luh, for the purposes of cross-correlating educational information in multiple databases and presenting the output to a user to facilitate the user's learning experience.

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Malloy et al (US 6,629,102) for a discussion of database relationship building.

Branson et al (US 6,513,152) for a discussion of the development and implementation of object-oriented frameworks and database structures.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 3714

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Sotomayor whose telephone number is 703-305-4558.

The examiner can normally be reached on 6:30-4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4558.

jls
October 7, 2003



S. THOMAS HUGHES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700